

## DEPARTMENT LEASING POLICIES

Laws applicable to the Oil and Gas Leasing Program are too numerous to state as policy, but all procedures required to implement applicable law are adopted as departmental policy. Those policies proposed by the department which affect the administrative process of oil and gas leasing (excluding exploration or drilling) are briefly described below to give the reader a frame of reference for further discussion. Since leasing is strictly an administrative process in which no environmental impacts occur, no mitigative measures are discussed. Alternatives are discussed in the previous section.

The alternative to an oil and gas leasing program would be a no-lease policy. A no-lease policy on federal land grant trust lands managed by the department would be inconsistent with the Washington Constitution and Enabling Act mandate of generating income for trust beneficiaries.

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### LANDS AVAILABLE FOR LEASE

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All department-managed lands are available for oil and gas leasing. However, some lands are unavailable because of existing laws, regulations or by order of the Commissioner of Public Lands. No applications will be accepted on such lands and the applicant will be informed of the determination early in the administrative process.

Some lands nominated by the applicant may already be in forest production or under surface lease for activities such as grazing, agriculture and residential use. Oil and gas activities could pose significant adverse environmental impacts to the surface lessee's operation. Lease applications will be accepted only for those tracts where it is determined that significant adverse impacts will not occur.

The SEPA process and the department's Sensitive Area Planning process may identify other lands that will be withheld from leasing. This decision will be based on site-specific conditions. [W11]

### LANDS AVAILABLE FOR CONDITIONAL LEASE

There are two categories of state-owned lands which may be offered for oil and gas lease, but the lease document in both cases may be conditioned by various degrees of restriction or prohibition.

1. The state owns both surface and mineral rights, but the surface rights are leased for other activities such as parks, wildlife refuges, municipal watersheds, etc. Such lands may be offered for oil and gas leasing but entry and surface activity of any type may be prohibited. Use of this land for surface activity would be contingent upon completion of an

Environmental Checklist, further SEPA analysis and acceptable mitigation. Directional drilling beneath this category of property from adjoining lands would be permitted (Chapter 78.52 RCW and WAC 344-12-078).

2. The state owns the mineral rights but has relinquished the surface rights through administrative procedure. Mineral rights on these lands may be leased for oil and gas purposes but surface activity by a lessee would be prohibited unless the lessee 1) obtains a waiver of damages, 2) provides for full payment of damages, 3) provides surety to mitigate such damages or 4) institutes an action in Superior Court of the county in which the lands are located. Seismic exploration and drilling will be allowed contingent upon complying with SEPA (Chapter 197-11 WAC) and obtaining permits (Chapter 78.5((3))2 RCW and Chapter 344-12 WAC). Directional drilling beneath this category of property from adjoining lands would also be permitted (Chapter 78.52 RCW and (({}))WAC 344-12-078).

#### LANDS WITHHELD FROM LEASING

If deemed to be in the best interest of the state to do so, the Commissioner of Public Lands may withhold any tract of land from leasing for oil and gas purposes.

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#### LEASING OF AQUATIC LANDS

The department is currently withholding department-managed marine and estuarine aquatic lands from lease. These include lands under the Pacific Ocean out to three miles, Puget Sound, the Strait of Juan de Fuca, the Strait of Georgia, Grays Harbor, Willapa Bay, and the Columbia River upstream to Puget Island. A future decision to allow leasing or exploratory drilling will be made only after completion of an Environmental Impact Statement and a determination by the Commissioner of Public Lands that the activity would be in the public interest. Surface drilling is prohibited by law in and within 1,000 feet of Puget Sound and the Strait of Juan de Fuca (RCW 90.58.160).

The department will permit oil and gas leasing of department-managed lands under fresh water. Surface drilling is prohibited on these lands. Directional drilling is permitted beyond 200 feet of the ordinary high water mark and as otherwise permitted by law.

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#### WATER AND WETLAND AREAS

Oil and gas seismic surveys, drilling, development and production will be prohibited within 200 feet of any Type 1, 2, 3 or 4 waters and wetlands of the state as defined by WAC 222-16-020, -030 and WAC 344-12-040.

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## DEPARTMENT-INITIATED OIL AND GAS LEASE APPLICATIONS

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Oil and gas lease applications on state-owned lands may be initiated by any person (WAC 332-12-240). In addition, the department may initiate oil and gas lease applications in the name of the state when it appears the state may benefit.

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## NOTIFICATION OF OIL AND GAS LEASING

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Notification of impending oil and gas leasing will be provided by the department to surface owners of record upon acceptance of oil and gas lease applications in the following situations:

- Severed mineral rights (surface rights have been relinquished by the state)
  - and
  - Surface leased by other public agencies
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## PLAN OF OPERATIONS

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A Plan of Operations describing intended exploration activities and measures to mitigate environmental impacts must be submitted to and approved by the department prior to entry and initiation of surface operations. The Plan of Operations must be approved before any permits will be issued. The operator must conduct exploration activities according to the Plan of Operations.

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## RIGHT OF ENTRY

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An operator must obtain a Right of Entry permit from the appropriate department Area office to conduct surveys on department-managed lands. The operator must also contact the appropriate department Area office prior to entry upon the land.

A Right of Entry permit is not required to conduct surveys on department-managed land under an oil and gas lease provided the lessee of such land is contracting for or conducting the survey.

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## SEISMIC EXPLORATION PERMITS

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Shot-hole seismic exploration requires a permit issued by the Oil and Gas Conservation Committee (WAC 344-12-050).

## POLICIES WITH A POTENTIAL FOR ENVIRONMENTAL IMPACT

Selection of the proposed action for the following policies was guided by an environmental analysis.

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### RESOURCE PROTECTION

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#### PLANTS AND ANIMALS

##### Proposed Action:

Avoid impacts on plant and animal species considered endangered in Washington. Within trust management obligations avoid impacts on species considered threatened, and consider avoiding or lessening impacts on species considered sensitive.

##### Alternatives:

1. Provide only the protection for endangered, threatened and sensitive species that federal law requires.
2. Avoid impacts to all endangered, threatened and sensitive species.

### ENVIRONMENTAL PROTECTION AND MITIGATION MEASURES

The impacts of the proposed policy and its alternatives are discussed in detail in the FLMP EIS (DNR, 1983b). Species are listed in the Department of Game Policy Manual (WFL-pol-.602) and the Natural Heritage Program publication Endangered, Threatened and Sensitive Plants of Washington (DNR, 1984b).

#### Natural Environment

##### Earth, Air, Water:

No significant impacts are anticipated.

##### Plants and Animals:

The proposed protection will help prevent extinction or extirpation of endangered species. Considering sensitive species during the oil and gas leasing process protects many habitats or populations that might otherwise be lost because of the operator's or lessee's lack of information.

The alternatives could cause accidental loss of irreplaceable plant and animal species.

## **Energy and Natural Resources:**

No significant impacts are anticipated.

## **Built Environment**

No significant impacts are anticipated.

## **NATURAL AREA PRESERVES AND THE REGISTRY PROGRAM**

### **Proposed Action:**

Preserve plant and animal diversity by designating certain parcels of state land under the Registry Program and in Natural Area Preserves.

### **Alternatives:**

1. Do not use the Registry Program (No Action)
2. Encourage but do not require use of the Registry Program.

## **ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

The impacts of the proposed policy and its alternatives are discussed in the FLMP EIS (DNR, 1983b). Sites are selected for the Natural Area Preserve System based on element priorities and an analysis of element occurrences and site characteristics. The Natural Heritage Plan (DNR, 1983c) describes the elements and provides guidelines for their protection.

## **Natural Environment**

### **Earth, Air, Water:**

No significant impacts are anticipated.

### **Plants and Animals:**

The Registry Program provides the department with a method of keeping track of the location of sensitive sites. The location of oil and gas leasing activities can often be adjusted if the area needing special care has been identified.

The alternatives, by not using or requiring the use of the Registry Program, could cause accidental losses of biologically significant sites.

### Energy and Natural Resources:

No significant impacts are anticipated.

### Built Environment

#### Environmental Health:

No significant impacts are anticipated.

#### Land and Shoreline Use:

Designating certain parcels of land as Natural Area Preserves will remove them from other present or potential uses.

#### Transportation, Public Services and Utilities:

No significant impacts are anticipated.

### CULTURAL RESOURCES

Cultural resources are archaeological, ((or)) historical or religious sites such as the ((Indian)) Native American pits and cairns on department-managed land near Stevenson.

#### Proposed Action:

Administer oil and gas leasing in a manner that identifies and protects cultural resources.

#### Alternative:

Make no special effort to identify or protect cultural resources. (No Action)

### ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The impacts of the proposed policy and its alternative are discussed in the FLMP EIS (DNR, 1983b).

### Natural Environment

No significant impacts are anticipated.

## Built Environment

### Environmental Health:

No significant impacts are anticipated.

### Land and Shoreline Use:

The preferred option will supplement the capabilities of the Office of Archaeological and Historic Preservation (OAHP) which will reduce the risk of accidental damage or destruction of cultural resources. Methods to identify and protect them will be part of the oil and gas leasing process. Department managers, because of training and knowledge, will be able to adjust proposed activities, avoiding needless damage.

The alternative could cause destruction of cultural resources because of a lack of sufficient information.

### Transportation, Public Services and Utilities:

No significant impacts are anticipated.

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## ROAD CONSTRUCTION

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### Proposed Action:

All roads constructed for conducting examinations, drilling, development and production activities on premises leased for oil and gas purposes shall comply with Road Construction and Maintenance Standards as specified by the Forest Practices Board (Chapter 222-24 WAC).

### Alternative:

All roads constructed for conducting examinations, drilling, development and production activities on premises leased for oil and gas purposes will conform to those standards approved and specified by the department. (WAC 332-12-460.) (No Action)

## ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Road construction impacts are described in detail in the department's FLMP EIS (DNR, 1983b). The following is a brief description of specific oil and gas



leasing process-related impacts. Applicable standards described in the Washington Forest Practices Rules and Regulations (Washington State Forest Practices Board, 1982) will be made a part of the operator's Plan of Operations.

Since the department administers the Forest Practices Act (FPA) it could be argued that there is no difference between alternatives. However, the FPA does not apply to nonforested areas. The no-action alternative could decrease protection to soils and water if standards were developed that provided less protection than the FPA.

## Natural Environment

### Earth:

Access road building ((may)) will result in compaction and removal of topsoils. Cut and fill procedures used in road construction may result in changes in topography. [W18]

Mitigation: Topsoil removed during road construction will be stockpiled and used for reclamation of the road. Compaction of soils could be remedied by scarification after the need for the road is gone. Overall impacts to topography associated with road building would be minor and insignificant. Access roads will take advantage of ((pre-existing-natural)) topography whenever possible. [W18]

### Air:

Dust from road building may increase particulate matter concentration in the air.

Mitigation: Use of dust-abatement procedures would reduce particulate concentrations.

### Water:

Surface water (streams or rivers) movement and quality may be impacted by sedimentation due to bridge construction or culvert installation.

Road construction activities may decrease absorption areas and increase surface runoff.

Mitigation: Site-specific impacts to surface water quality and movement by above activities will be identified and mitigation measures will be described in the Plan of Operations. Such road construction practices will be guided by ((WAG)) Chapter 222-24 WAC, Forest Practices Standards for Road Construction.

Catchment and sedimentation basins may be required to regulate increased runoff of rainwater. Disturbed areas will be held to the minimum required to reduce runoff.

## Plants and Animals:

Wildlife habitat and unique species of animals or plants may be disrupted by road building activities. Small mammal habitat will be destroyed or displaced to other areas. Roads may act as barriers to or corridors for movements, depending on species and time of year.

Vegetation would be destroyed by road construction activities.

Mitigation: Site-specific review of areas to be disturbed by road building activities will be made using the Natural Heritage data system to identify sensitive species. The appropriate Department of Game regional biologist may be consulted to identify areas of nesting, calving or breeding. All findings and recommendations will be considered for inclusion in the Plan of Operations. Use of pre-existing roads will be required wherever possible. Some destruction of vegetation is unavoidable. Public pressure on sensitive areas will increase through easier access. If necessary, contractors may be required to install gates with locks. [W1, W16]

## Energy and Natural Resources:

No significant impacts to these elements are expected.

## Built Environment

### Environmental Health:

#### Noise:

Noise from road building, blasting and earth moving activities and related support vehicles may pose a nuisance to populated areas.

Mitigation: Noise reduction measures will include proper muffling of equipment. Construction activities in or near populated areas could be restricted to daylight hours. Use of topographic or vegetative barriers wherever possible would reduce noise levels. Measures to control noise impacts will be made a part of the site-specific Plan of Operations.

### Land and Shoreline Use:

#### Existing Land Use:

Road construction activities may temporarily impose a different land use on areas already used for other activities, e.g., forest production, grazing, surface mining, etc.

Mitigation: Road construction will be coordinated with surface users. Proof of agreement must be furnished before the Plan of Operations is approved.

#### **Aesthetics:**

Road building activities and presence of heavy machinery may be offensive to some and may impair vistas.

Mitigation: Placing access routes behind vegetative and topographic barriers wherever possible would reduce impacts to vistas.

#### **Agricultural Crops:**

Lands under cultivation may be impacted temporarily by road construction.

Mitigation: An agreement between the surface lessee and the oil and gas lessee regarding damages to cultivated lands will be made prior to approval of the the Plan of Operations by the department.

#### **Transportation:**

##### **Transportation Systems:**

Increased heavy vehicle use (e.g., gravel trucks or fuel trucks) on marginal secondary roads during poor weather could cause damage to pavement or roadbed.

Mitigation: Local seasonal load restrictions on both arterial and secondary roads will be observed by contractors.

##### **Vehicular Traffic:**

Depending upon the location, increased vehicular movement associated with road construction may impede traffic or constitute a traffic hazard. Use of access roads by unauthorized vehicles may inconvenience passage of construction equipment and supply vehicles. Improvement of access roads for drilling traffic may in turn encourage greater use by recreational vehicles.

Mitigation: Time limitations may be required if passage and movement of construction equipment and vehicles cause impediments or constitute a traffic hazard. Locked gates and/or guards may be required to regulate or prohibit operation of unauthorized vehicles on access roads. Roads may be barricaded and abandoned at the close of operations.

#### **Public Services/Utilities:**

##### **Solid Wastes:**

Accumulation of solid wastes and trash related to road building could be both unsightly and a health hazard.

Mitigation: Solid wastes related to road building activities would be disposed of at approved dumping spots.